



July 10, 2001

Mr. Mark Reger, Chief Financial Officer
Office of the Managing Director
FEDERAL COMMUNICATIONS COMMISSION
445 Twelfth Street, SW, Room 1-A625
Washington, DC 20554

Re: WVUV(AM) - Leone, American Samoa

I am in receipt of your letter, dated April 12, 2001, in which you denied my request for waiver of the Regulatory Fee for Station WVUV(AM) in Leone, American Samoa.

In denying my request, you noted that *'the licensee or holder of the authorization issued on or before October 1, 1999, and where a license is transferred after October 1, 1999, the licensee or holder of the authorization on the date that payment is due must pay the fees.'* However, you ignored the real reason for the waiver request. In my letter of October 16, 2000, I noted that *"WVUV(AM) was off-air for much of 1999 [because] the main studio and transmitter facility was destroyed by fire sometime in 1999."* I concluded by stating that *"[I]nasmuch as the WVUV(AM) facilities were destroyed by fire and the station did not operate for much of 1999, South Seas Broadcasting, Inc., herewith requests a waiver of the Regulatory Fee."*

As noted, my waiver request was based on the facilities being destroyed by fire and the station not operating for much of the year. The additional burden of having to pay Regulatory Fees for a station that incurred such a catastrophic loss, makes it more difficult to return the station to normal operation. As such please accept this letter as a Petition for Reconsideration of your earlier action.

Respectfully submitted,

SOUTH SEAS BROADCASTING, INC.

A handwritten signature in black ink, appearing to read 'Larry G. Fuss', is written over the printed name.

Larry G. Fuss
President

SOUTH SEAS BROADCASTING, INC.

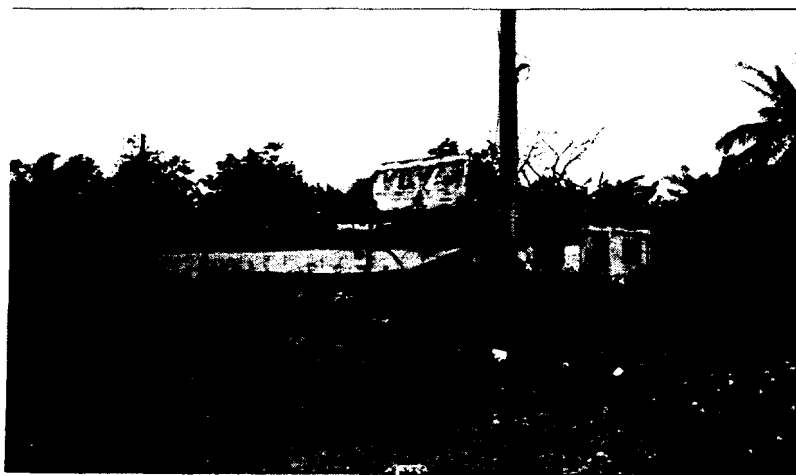
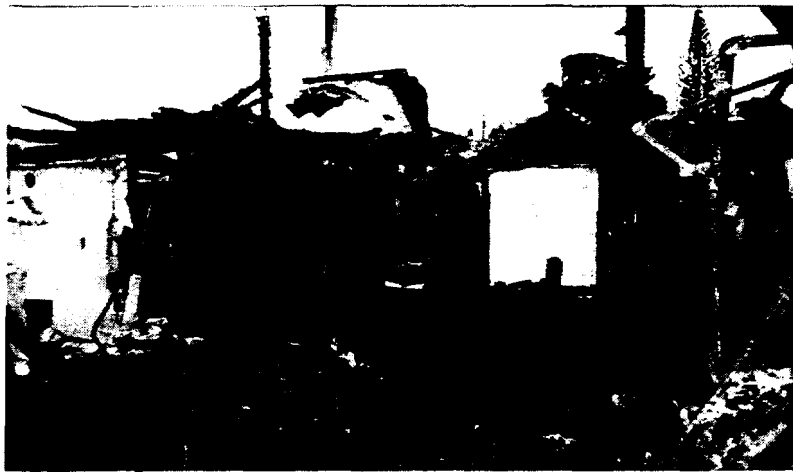
Post Office Box 6758 • Pago Pago, AS 96799

Phone: (684) 633-7793 • Fax: (684) 633-4493 • Mainland Fax: (708) 575-6539 • E-mail: 93khj@mail.com

WVUV-AM

Leone, American Samoa

Facilities destroyed by fire in 1999.



FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 12 2001

OFFICE OF
MANAGING DIRECTOR

Larry G. Fuss
President
South Seas Broadcasting, Inc.
P.O. Box 6758
Pago Pago, AS 96799

Re: Request for Waiver and Refund of
FY 2000 Regulatory Fees
Fee Control No. 009228835414004

Dear Mr. Fuss:

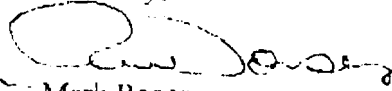
This letter responds to your request for a waiver and return of regulatory fees for Fiscal Year (FY) 2000 filed by South Seas Broadcasting, Inc., licensee of WNUV(AM), Leone, American Samoa.

Your request states that South Seas acquired the station on March 13, 2000, that under the previous ownership, the station was off the air for much of 1999 due to fire damage to the main studio and transmitter facility, and that the previous owner, who was in your view responsible for payment of the fees, could not be contacted prior to the payment deadline.

Contrary to your view, fees must be paid for any authorization issued on or before October 1, 1999, and, where a license is transferred after October 1, 1999, the licensee or holder of the authorization on the date that payment is due must pay the fees. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2000*, 15 FCC Rcd 14478, 14496 ¶ 44 (2000). Under these circumstances, your request for waiver and refund of FY 2000 regulatory fees must be denied.

If you have any questions concerning this matter, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer



October 16, 2000

Office of the Managing Director
Attn: Regulatory Fee Waiver/Reduction Request
FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW, Room 1-A625
Washington, DC 20554

Re: WVUV(AM) - Leone, American Samoa

Dear Sirs:

Please accept this letter as a request for a waiver of the Regulatory Fee for Station WVUV(AM) in Leone, American Samoa, and related auxilliary stations.

Under the previous ownership, Radio Samoa, Ltd., Station WVUV(AM) was off-air for much of 1999. (the main studio and transmitter facility was totally destroyed by fire sometime in 1999). The station was acquired by South Seas Broadcasting, Inc., on March 13, 2000, pursuant to BAL-19991228AAT, and resumed low-power operation on April 27, 2000.

Although Radio Samoa, Ltd., was the licensee of WVUV(AM) on October 1, 1999, and would have been responsible for payment of the regulatory fee, South Seas Broadcasting, Inc., was unable to contact anyone with Radio Samoa, Ltd., prior to the payment deadline. As such, South Seas Broadcasting, Inc., the current licensee, paid the regulatory fee in a timely manner (a copy of our fee payment is attached hereto).

Inasmuch as the WVUV(AM) facilities were destroyed by fire and the station did not operate for much of 1999, South Seas Broadcasting, Inc., herewith requests a waiver of the Regulatory Fee.

If there are any questions, please advise.

Respectfully submitted,

SOUTH SEAS BROADCASTING, INC.

A handwritten signature in black ink, appearing to read 'Larry G. Fuss'.

Larry G. Fuss
President

SOUTH SEAS BROADCASTING, INC.

Post Office Box 6758 • Pago Pago, AS 96799

Phone: (684) 633-7793 • Fax: (684) 633-4493 • Mainland Fax: (708) 575-6539 • E-mail: 93khj@mail.com

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 1 2001

OFFICE OF
MANAGING DIRECTOR

Ms. Lynn R. Sanderson
TelAmerica
324 South State Street
Suite 102
Salt Lake City, Utah 84111

RE: Request for Waiver of Late Charge
Penalty for FY 2000 Regulatory Fees
Fee Control No. 00000RROG-01-023

Dear Ms. Sanderson:

This is in response to the request for waiver of the late charge penalty for late payment of Fiscal Year (FY) 2000 regulatory fees, filed on behalf of TelAmerica.

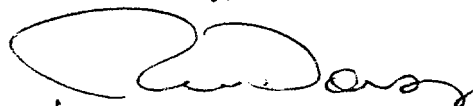
You admit that the payment was late, but state that the paper work slipped through the crack. Based on compassion and good common sense, you request waiver of the penalty, or at least a reduction to a reasonable amount.

We have fully considered all of your contentions. The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. *See* 47 U.S.C. § 159(c)(1). Moreover, it is the obligation of the entity responsible for regulatory fee payment to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that this obligation was met. Therefore, your request is denied.

Payment of late charge penalties in the amount of \$5,396.25 for FY 2000 is now due. The late charge penalties must be filed together with a Form 159 (copy enclosed) within 30 days from the date of this letter.

If you have any questions concerning this letter, please call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure

00000TROG-01-023

Dear Mr. Andrew Fishel

The FCC has assessed Tel America a 25% penalty for late payment of our FCC supporting fees. Yes we were late. For some reason the paper work slipped through the crack. I can't even remember how we actually determined that we had not completed the paper work and made payment. Imagine our surprise when we found out we were 8 months late. That was an unforgettable day when I hurriedly completed the report and requested a check from A/P.

Everyone says the Government is just a bunch of numbers and that it is useless to write this letter. I still think there is someone up there with a heart and some good common sense. I am requesting waiver of this penalty or at least a reduction to something reasonable. If I Calculate interest at 1.5% per month, it comes out to around \$2,800. We recommend this to be a far settlement. We had use of this money over that period of time.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Lynn R Sanderson
06/05/01

Tel America

**FOR INQUIRIES CALL
1-202-418-1995
(Revenue/Receivables Operations)**

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

Payment Transactions Detail Report

Date: 10/10/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0105098835155003	TELIAMERICA INC 324 SOUTH STATE SUITE 125 SALT LAKE CITY UT 84111	WP00037144	0870374815	5/08/2001 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$21,585.00	\$21,585.00	4	SUSP	1		TELIAMERICA INC	84111		\$21,369.15	1	PMT
\$21,585.00	\$21,585.00	5	SUSP	1		TELIAMERICA INC	84111		(\$21,369.15)	1	ADJ
\$21,585.00	\$21,585.00	1	0072	1	809340	EXTELCOM INC	84111		\$75.39	1	PMT
\$21,585.00	\$21,585.00	7	0072	1	809340	EXTELCOM INC	84111		\$7,539.00	1	PMT
\$21,585.00	\$21,585.00	6	0072	1	809340	EXTELCOM INC	84111		(\$75.39)	1	ADJ
\$21,585.00	\$21,585.00	2	0072	1	809342	TEL AMERICA INC	84111		\$134.01	1	PMT
\$21,585.00	\$21,585.00	9	0072	1	809342	TEL AMERICA INC	84111		\$13,401.00	1	PMT
\$21,585.00	\$21,585.00	8	0072	1	809342	TEL AMERICA INC	84111		(\$134.01)	1	ADJ
\$21,585.00	\$21,585.00	3	0072	1	809344	NATIONAL NETWORK INC	84111		\$6.45	1	PMT
\$21,585.00	\$21,585.00	11	0072	1	809344	NATIONAL NETWORK INC	84111		\$645.00	1	PMT
\$21,585.00	\$21,585.00	10	0072	1	809344	NATIONAL NETWORK INC	84111		(\$6.45)	1	ADJ
Total	11								\$21,585.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 15 2000

OFFICE OF
MANAGING DIRECTOR

James U. Troup, Esquire
Brian D. Robinson, Esquire
Arter & Hadden
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006-1301

Fee Control #000000CDMC--99-001

Dear Messrs. Troup and Robinson:

This will respond to your request on behalf of TelQuest Satellite Services, LLC ("TelQuest") for a determination of the appropriate fee to be charged by the Commission in connection with its application to deploy "up to 1 million technically identical receive-only earth stations as part of a planned direct-to-home ("DTH") satellite service using the Fixed Satellite Service." You argue that there is good cause for reducing the fee based on the Commission's determination in "Televisa." See Letter from Marilyn McDermott to Norman Leventhal and David S. Keir, dated February 26, 1997.

The purpose of the Commission's fee program is to enable the Commission "to assess and collect charges for certain of the regulatory services it provides to the public. The charges are based primarily on the Commission's costs of providing these regulatory services." See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985. 2 FCC Rcd 947, 948 (1987). We agree with TelQuest that a literal interpretation and application of the Commission's rules, here, would result in the imposition of a \$295,000,000 fee requirement, which would bear scant, if any, relation to the Commission's cost of processing TelQuest's application. Moreover, as TelQuest points out, the Commission has issued blanket authorizations for the operation of such multiple technically identical receive-only earth stations, in conjunction with an application fee associated with a blanket earth station "under nearly identical circumstances."

See Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States. IB Docket 96-111 (Released May 14, 1996) (para. 80).

The Commission may waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985. 2 FCC Rcd at 961; see also 47 C.F.R. § 1.1117. We find that the circumstances presented here warrant the waiver of the \$295,000,000 fee requirement for individual stations and the

imposition of a fee for a blanket authorization. Specifically, we find that the requested waiver will minimize the regulatory burdens on TelQuest and expedite processing of its application.

With respect to the appropriate fee to be charged, we find that the regulatory costs involved in processing TelQuest's application will be similar to, if not the same as, blanket authorizations for Fixed Satellite Very Small Aperture Terminal (VSAT) Systems and Mobile Earth Satellite Stations, for which the Commission's fee specifies a \$7,200.00 charge. See 47 C.F.R. § 1.107(6)(a). As with blanket authorizations for VSAT's and Mobile Earth Stations, the Commission staff will expend less resources and will be able to more efficiently process TelQuest's application because the multiple earth stations will be technically identical. We thus find that the imposition of a \$7,200.00 fee is appropriate for processing TelQuest's proposed deployment of multiple technically identical DTH earth stations.

Accordingly, under the authority delegated to the Managing Director by section 0.231(a) of the Commission's rules, the filing fee requirement for TelQuest's proposed deployment of multiple technically identical receive-only earth stations is waived, and the appropriate filing fee is determined to be \$7,200.00. Your request is granted and the Commission accepts your check of \$7,200.00. If you have any questions concerning this matter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', written over a horizontal line.

Mark A. Reger
Chief Financial Officer

File Copy
Rm. 8A-463

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

James U. Troup, Esquire
Brian D. Robinson, Esquire
Arter & Hadden
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006-1301

-99-
Fee Control #000000CDMC-00-001 

Dear Messrs. Troup and Robinson:

This will respond to your request on behalf of TelQuest Satellite Services, LLC ("TelQuest") for a determination of the appropriate fee to be charged by the Commission in connection with its application to deploy "up to 1 million technically identical receive-only earth stations as part of a planned direct-to-home ("DTH") satellite service using the Fixed Satellite Service." You argue that there is good cause for reducing the fee based on the Commission's determination in "Televisa." See Letter from Marilyn McDermott to Norman Leventhal and David S. Keir, dated February 26, 1997.

The purpose of the Commission's fee program is to enable the Commission "to assess and collect charges for certain of the regulatory services it provides to the public. The charges are based primarily on the Commission's costs of providing these regulatory services." See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985. 2 FCC Rcd 947, 948 (1987). We agree with TelQuest that a literal interpretation and application of the Commission's rules, here, would result in the imposition of a \$295,000,000 fee requirement, which would bear scant, if any, relation to the Commission's cost of processing TelQuest's application. Moreover, as TelQuest points out, the Commission has issued blanket authorizations for the operation of such multiple technically identical receive-only earth stations, in conjunction with an application fee associated with a blanket earth station "under nearly identical circumstances." See Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States. IB Docket 96-111 (Released May 14, 1996) (para. 80).

The Commission may waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985. 2 FCC Rcd at 961; see also 47 C.F.R. § 1.1117. We find that the circumstances presented here warrant the waiver of the \$295,000,000 fee requirement for individual stations and the

Messrs. Troup and Robinson
Page 2

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With respect to the appropriate fee to be charged, we find that the regulatory costs involved in processing TelQuest's application will be similar to, if not the same as, blanket authorizations for Fixed Satellite Very Small Aperture Terminal (VSAT) Systems and Mobile Earth Satellite Stations, for which the Commission's fee specifies a \$7,200.00 charge. See 47 C.F.R. § 1.107(6)(a). As with blanket authorizations for VSAT's and Mobile Earth Stations, the Commission staff will expend less resources and will be able to more efficiently process TelQuest's application because the multiple earth stations will be technically identical. We thus find that the imposition of a \$7,200.00 fee is appropriate for processing TelQuest's proposed deployment of multiple technically identical DTH earth stations. ~~If, in the future,~~ Congress specifies a fee for blanket receive-only DTH stations, and that fee is greater than the \$7,200.00 charge, we will require TelQuest to pay the balance. Of course, if Congress should specify a fee that is less than the \$7,200.00 charge, TelQuest will be entitled to a partial refund. *delete*

Accordingly, under the authority delegated to the Managing Director by section 0.231(a) of the Commission's rules, the filing fee requirement for TelQuest's proposed deployment of multiple technically identical receive-only earth stations is waived, and the appropriate filing fee is determined to be \$7,200.00. Your request is granted and the Commission accepts your check of \$7,200.00. If you have any questions concerning this matter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,

Mark A. Reger
Chief Financial Officer

ARTER & HADDEN^{LLP}

ATTORNEYS AT LAW

founded 1843

1801 K Street, N.W., Suite 400K

Washington, D.C. 20006-1301

telephone 202.775.7100

facsimile 202.857.0172

ORIGINAL

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June 23, 1999

BY HAND DELIVERY

Mr. Andrew S. Fishel, Managing Director
Office of the Managing Director
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

RECEIVED

JUN 23 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Fee Determination/Deferral Concerning Application for
Blanket License to Deploy up to 1,000,000 Receive-Only Earth Stations

Attn: Shirley Wood

Dear Mr. Fishel:

This letter is submitted on behalf of TelQuest Satellite Services, LLC ("TelQuest") in conjunction with its application for a blanket authorization to deploy up to one million technically identical receive-only Earth stations as part of a planned direct-to-home ("DTH") satellite service using the Fixed Satellite Service (FSS). The only fee available for an application for receive-only earth stations is applied per station. Thus, the current fee guide does not contemplate blanket licensing of receive-only earth stations. TelQuest is seeking blanket authority for up to 1 million receive-only earth stations. Read literally, the current fee of \$295 *per station* would require TelQuest to submit a fee of \$295,000,000. Given the Commission's stated policy to accept applications for blanket authority and the extreme burden that such a fee presents, TelQuest requests a waiver of the current fee and a fee determination consistent with the Commission's policies and past precedent. As discussed below, under nearly identical circumstances the Commission issued a fee determination requiring an applicant seeking a blanket license for receive only earth stations to submit the fee required of applicants seeking blanket authorizations for Mobile Satellite Service and Terminal VSAT systems.¹ Consistent with this past precedent, TelQuest has concurrently submitted its application along with a check

¹ See Request of Televisa International, Fee Control #9612188160147; see also Letter from Marilyn McDermott to Norman Leventhal and David S. Keir, dated February 26, 1997 ("Televisa Fee Determination"), attached as Exhibit 1.

ARTER & HADDEN_{LLP}

Mr. Andrew S. Fishel
June 23, 1999
Page 2

payable to the Federal Communications Commission in the amount of \$7,200, the current fee for blanket authorization of mobile satellite Earth stations and Terminal VSAT systems.

TelQuest's request for blanket authority is consistent with the FCC's policies articulated in its "*Disco II*" decision. There the Commission stated:

to impose the least burdensome requirements possible while fulfilling our regulatory responsibilities, we will permit applicants to request 'blanket' licenses for technically identical receive-only antennas, such as home dishes.²

Moreover, in 1997 the FCC issued a decision in *Televisa International, LLC* authorizing Televisa "to operate 1,000,000 receive-only earth stations to receive Direct-to-Home Fixed Satellite Service" from a satellite licensed by Mexico.³ Concurrent with the filing of its application, Televisa requested a waiver of the per station filing fee and a fee determination. And, as indicated above, the Commission granted the waiver and determined that the appropriate fee should be the fee required for applications for blanket authorizations in the Mobile Satellite Service or for Terminal VSAT systems.⁴

As in the *Televisa* case, TelQuest is proposing to utilize a foreign satellite licensed by Mexico. Grant of TelQuest's request is consistent with the DTH Protocol agreed to by Mexico and the United States which makes specific reference to blanket licensing for receive-only Earth stations. See "Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States" at Art. V, ¶ 1.

Unfortunately, the FCC's current fee guide has not kept up with the Commission's policies making the instant request necessary. TelQuest is compelled to choose the most reasonable and appropriate means for submission of its request for authorization. Rather than submitting no fee or submitting a single \$295 fee for one receive-only earth station, TelQuest has filed the \$7,200 fee to cover the Commission's application processing costs consistent with the *Televisa Fee Determination* with the expectation that the International Bureau staff can and will

² *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States and Amendment of Section 25.131 of the Commission's Rules and Regulations to Eliminate the Licensing Requirement for Certain International Receive-Only Earth Stations*, 12 FCC Rcd 24094 (¶ 204) (released November 26, 1997) ("*Disco II*").

³ *Televisa International, LLC*, 13 FCC Rcd. 10074 (1997).

⁴ See *supra* n. 1 and Exhibit 1.

ARTER & HADDEN_{LLP}

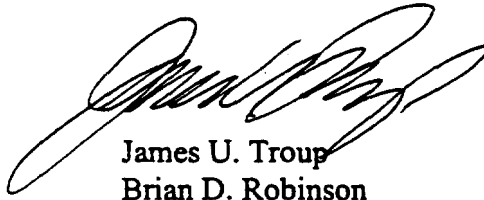
Mr. Andrew S. Fishel
June 23, 1999
Page 3

expeditiously process TelQuest's application while the Office of the Managing Director processes the instant request for fee determination.

Accordingly, Telquest respectfully requests that the Managing Director's Office determine that TelQuest's blanket receive-only Earth station application is acceptable for filing based upon its initial payment of \$7,200.

Should you have questions concerning this request, please contact Brian Robinson at 202-775-7126.

Respectfully submitted,



James U. Troup
Brian D. Robinson

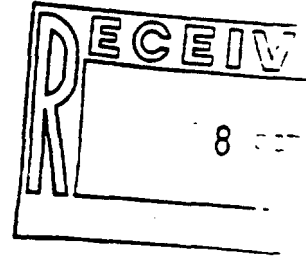
cc: Tom Tycz
Fern Jarmulnek
Frank Peace
Claudette Pride

Exhibit 1

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

February 26, 1997

OFFICE OF
MANAGING DIRECTOR



Norman P. Leventhal, Esquire
David S. Keir, Esquire
Leventhal, Senter & Lerman
Suite 600 - 2000 K Street, N. W.
Washington, D.C. 20006-1809

Re: Fee Control # 9612188160147001

Dear Messrs. Leventhal and Keir:

This will respond to your request filed on behalf of Grupo Televisa, S.A. ("Televisa") for a determination of the appropriate fee to be charged by the Commission in connection with its application to deploy "up to one million technically identical receive-only earth stations as part of a planned direct-to-home ("DTH") satellite service."

Televisa represents that the Commission's licensing rules do not expressly authorize the filing of a blanket license application for such multiple technically identical receive-only earth stations, nor does the Commission's fee schedule specify a corresponding fee category. Rather, the Commission's licensing rules and fee schedule are based on a single earth station application, the applicable fee being \$280 per application. see 47 C.F.R. §§ 25.110, 25.115, 25.131, 1.1107(5)(a)(ii). Televisa maintains that the filing of a million technically identical applications would be "absurdly burdensome, require reams of documents containing duplicative information" and necessitate "an astronomical aggregate filing fee of \$280,000,000.00." Televisa thus requests a waiver of the Commission's fee requirements and a determination of the appropriate filing fee for its proposal to deploy approximately one million technically identical receive-only DTH stations.

The purpose of the Commission's fee program is to enable the Commission "to assess and collect charges for certain of the regulatory services it provides to the public. The charges are based primarily on the Commission's costs of providing these regulatory services." See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 948 (1987). We agree with Televisa that a literal interpretation and application of the Commission's rules, here, would result in the imposition of a \$280,000,000.00 fee requirement, which would bear scant, if any, relation to the Commission's cost of processing Televisa's application. Moreover, as Televisa points out, the Commission has expressly contemplated the issuance of blanket authorizations for the operation of such multiple technically identical receive-only earth stations, in conjunction with an application fee "associated with a blanket earth station." See Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, IB Docket 96-111 (Released May 14, 1996)(180).

Messrs. Leventhal and Keir
Page 2

The Commission may waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd at 961; see also 47 C.F.R. §1.1117. We find that the circumstances presented here warrant the waiver of the \$280,000,000.00 fee requirement for individual stations and the imposition of a fee for a blanket authorization. Specifically, we find that the requested waiver will minimize the regulatory burdens on Televisa, expedite processing Televisa's application, and, more importantly, enable the prompt initiation of service by Televisa, during the pendency of the Commission's IB Docket 96-111 proceeding, as well as the Commission's preparation of a congressional proposal to specifically amend the fee schedule in this regard if the Commission decides to adopt a blanket authorization policy for receive-only earth stations in the DTH satellite service.

With respect to the appropriate fee to be charged, we find that the regulatory costs involved in processing Televisa's application will be similar to, if not the same as, blanket authorizations for Fixed Satellite Very Small Aperture Terminal (VSAT) Systems and Mobile Earth Satellite Stations, for which the Commission's fee schedule specifies a \$6,840.00 charge. See 47 C.F.R. §1.1107(6)(a), 7(a). As with blanket authorizations for VSATs and Mobile Earth Stations, the Commission staff will expend less resources and will be able to more efficiently process Televisa's application because the multiple earth stations will be technically identical. We thus find that the imposition of a \$6,840.00 fee is appropriate for processing Televisa's proposed deployment of multiple technically identical DTH earth stations. If, in the future, Congress specifies a fee for blanket receive-only DTH stations, and that fee is greater than the \$6,840.00 charge, we will require Televisa to pay the balance. Of course, if Congress should specify a fee that is less than the \$6,840.00 charge, Televisa will be entitled to a partial refund.

Accordingly, under the authority delegated to the Managing Director by section 0.231(a) of the Commission's rules, the filing fee requirement for Televisa's proposed deployment of multiple technically identical receive-only earth stations is waived, and the appropriate filing fee is determined to be \$6,840.00. Televisa will be required to remit the \$6,560.00 balance within thirty (30) days of the date of this letter. If you have any questions concerning this matter, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn McDermott

Associate Managing Director
for Operations

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

February 26, 1997

OFFICE OF
MANAGING DIRECTOR

Norman P. Leventhal, Esquire
David S. Keir, Esquire
Leventhal, Senter & Lerman
Suite 600 - 2000 K Street, N. W.
Washington, D.C. 20006-1809

Re: Fee Control # 9612188160147001

Dear Messrs. Leventhal and Keir:

This will respond to your request filed on behalf of Grupo Televisa, S.A. ("Televisa") for a determination of the appropriate fee to be charged by the Commission in connection with its application to deploy "up to one million technically identical receive-only earth stations as part of a planned direct-to-home ("DTH") satellite service."

Televisa represents that the Commission's licensing rules do not expressly authorize the filing of a blanket license application for such multiple technically identical receive-only earth stations, nor does the Commission's fee schedule specify a corresponding fee category. Rather, the Commission's licensing rules and fee schedule are based on a single earth station application, the applicable fee being \$280 per application, see 47 C.F.R. §§ 25.110, 25.115, 25.131, 1.1107(5)(a)(ii). Televisa maintains that the filing of a million technically identical applications would be "absurdly burdensome, require reams of documents containing duplicative information" and necessitate "an astronomical aggregate filing fee of \$280,000,000.00." Televisa thus requests a waiver of the Commission's fee requirements and a determination of the appropriate filing fee for its proposal to deploy approximately one million technically identical receive-only DTH stations.

The purpose of the Commission's fee program is to enable the Commission "to assess and collect charges for certain of the regulatory services it provides to the public. The charges are based primarily on the Commission's costs of providing these regulatory services." See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 948 (1987). We agree with Televisa that a literal interpretation and application of the Commission's rules, here, would result in the imposition of a \$280,000,000.00 fee requirement, which would bear scant, if any, relation to the Commission's cost of processing Televisa's application. Moreover, as Televisa points out, the Commission has expressly contemplated the issuance of blanket authorizations for the operation of such multiple technically identical receive-only earth stations, in conjunction with an application fee "associated with a blanket earth station." See Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, IB Docket 96-111 (Released May 14, 1996)(#80).

Messrs. Leventhal and Keir

Page 2

The Commission may waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd at 961; see also 47 C.F.R. §1.1117. We find that the circumstances presented here warrant the waiver of the \$280,000,000.00 fee requirement for individual stations and the imposition of a fee for a blanket authorization. Specifically, we find that the requested waiver will minimize the regulatory burdens on Televisa, expedite processing Televisa's application, and, more importantly, enable the prompt initiation of service by Televisa, during the pendency of the Commission's IB Docket 96-111 proceeding, as well as the Commission's preparation of a congressional proposal to specifically amend the fee schedule in this regard if the Commission decides to adopt a blanket authorization policy for receive-only earth stations in the DTH satellite service.

With respect to the appropriate fee to be charged, we find that the regulatory costs involved in processing Televisa's application will be similar to, if not the same as, blanket authorizations for Fixed Satellite Very Small Aperture Terminal (VSAT) Systems and Mobile Earth Satellite Stations, for which the Commission's fee schedule specifies a \$6,840.00 charge. See 47 C.F.R. §1.1107(6)(a), 7(a). As with blanket authorizations for VSATs and Mobile Earth Stations, the Commission staff will expend less resources and will be able to more efficiently process Televisa's application because the multiple earth stations will be technically identical. We thus find that the imposition of a \$6,840.00 fee is appropriate for processing Televisa's proposed deployment of multiple technically identical DTH earth stations. If, in the future, Congress specifies a fee for blanket receive-only DTH stations, and that fee is greater than the \$6,840.00 charge, we will require Televisa to pay the balance. Of course, if Congress should specify a fee that is less than the \$6,840.00 charge, Televisa will be entitled to a partial refund.

Accordingly, under the authority delegated to the Managing Director by section 0.231(a) of the Commission's rules, the filing fee requirement for Televisa's proposed deployment of multiple technically identical receive-only earth stations is waived, and the appropriate filing fee is determined to be \$6,840.00. Televisa will be required to remit the \$6,560.00 balance within thirty (30) days of the date of this letter. If you have any questions concerning this matter, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn McDermott

Associate Managing Director
for Operations

Search Result

Rank 3 of 3

Database
FCOM-ALL

1997 WL 467282 (F.C.C.), 13 F.C.C.R. 10,074, 13 FCC Rcd. 10,074

(Publication page references are not available for this document.)**C.**

Federal Communications Commission (F.C.C.)

Order and Authorization

IN THE MATTER OF TELEVISA INTERNATIONAL, LLC.,

File No. 330-DSE-L-97

Call Sign. E970096

Application For Blanket License For Receive-Only Earth Stations In The Fixed
Satellite Service For Direct-To-Home Subscription Television Service

DA 97-1758

Adopted: August 15, 1997

Released: August 18, 1997

By the Chief, International Bureau:

INTRODUCTION

1. By this order, we authorize Televisa International, LLC. (Televisa) to operate 1,000,000 receive-only earth stations in the United States to receive Direct-To-Home Fixed-Satellite Service (DTH-FSS) television services from Mexico's Solidaridad II satellite operating at 113 <<degrees>> W.L. This Authorization is another reflection of the cooperative relationship between the United States and Mexico regarding satellite telecommunications. We are unable, however, to provide Televisa's earth stations with protection from unacceptable radio interference from nearby satellite networks because Televisa has not made a sufficient technical demonstration establishing compliance with the Federal Communications Commission's (the Commission) two degree spacing policy or provided evidence of coordination agreements establishing concurrence among nearby satellite operators on the non-compliant technical and operational characteristics.

BACKGROUND

2. On April 26, 1996, the United States and Mexico signed a bilateral agreement (the Framework Agreement) to facilitate the provision of services to, from, and within the United States and Mexico via commercial satellites. The Framework Agreement established the basic criteria for the use of satellites licensed in the United States or Mexico for the provision of satellite services in either country. [FN1] Following the Framework Agreement, the United States and Mexico signed the "Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States" (U.S./Mexico DTH

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Protocol), which implemented the Framework Agreement with respect to DTH-FSS and Broadcasting-Satellite Services (BSS). The DTH Protocol entered into force on November 11, 1996. [FN2]

3. Televisa owns and operates television broadcast networks and stations in Mexico. Televisa states that it exports substantial amounts of Spanish language programming to broadcast networks, broadcast stations and cable systems in the United States and other countries. [FN3] Televisa is presently engaged in the development of DTH-FSS television and related services in Mexico, Latin America, North America and Europe. As part of this effort, Televisa filed an application for authorization of 1,000,000 receive-only DTH-FSS earth stations for use in the United States using Solidaridad II, a satellite licensed by the Mexican Government. [FN4]

4. Televisa has specifically requested authorization for 500,000 earth stations which are .92-.98 meters in diameter; 250,000 earth stations which are .76-.82 meters in diameter; and 250,000 earth stations which are .63-.68 meters in diameter. [FN5] Televisa proposes to use the Solidaridad II satellite operating in the 11.7-12.2 GHz Frequency band (Ku-Band) and located at 113 <<degrees>> W.L. to serve customers in the United States. [FN6] Specifically, Televisa intends to use seven transponders on Solidaridad II (numbers 1k-4k and 6k-8k, occupying downlink center frequencies from 11.730 GHz to 12.157 GHz). The receive-only earth stations would be used primarily to receive entertainment, sports, news, educational and informational video programming, mostly in the Spanish language, as part of an encrypted, subscription DTH-FSS television service. All of the transmissions to Solidaridad II would originate in Mexico. [FN7]

II. DISCUSSION

5. The U.S./Mexico DTH Protocol was established to facilitate the development and provision of DTH services to the United States and Mexico. According to the U.S./Mexico DTH Protocol, Mexican entities wishing to serve the United States must comply with applicable U.S. laws, regulations, rules, and licensing procedures, present or future. One example of where service requirements may be imposed on DTH and Direct Broadcast Satellite providers is the ongoing Commission proceeding concerning public interest programming requirements for these services. [FN8]

6. Currently, no license is required for a receive-only earth station used to receive U.S. originated signals over a U.S.-licensed FSS satellite. Voluntary registration of such earth stations is available for users who wish to be protected from harmful interference. However, a license is still required to use a receive-only earth station to receive a non-U.S. originated signal, or any signal transmitted over a non-U.S. satellite. Specifically, Section 25.131(j) of the Commission's rules states, "Receive-only earth stations operating with INTELSAT space stations, or U.S.-licensed and non-U.S. space stations for reception of services from other countries, shall file an FCC Form 493 requesting a license for such station." [FN9]

Two Degree Spacing Policy

(Publication page references are not available for this document.)

7. Since the Commission licensed the first U.S. satellite system over two decades ago, it has endeavored to ensure efficient use of the valuable orbit/spectrum resource. Consequently, it has adopted requirements for each satellite service that permit the maximum number of systems with the minimum amount of unacceptable interference. Specifically, in 1983, we adopted a policy that reduced orbital spacing from three and four degrees to two degrees between domestic fixed satellites. [FN10] This is known as the "two degree spacing policy." To ensure that these more closely-spaced satellite network systems would not interfere with each other, we established, among other things, technical requirements for earth stations, such as power density limits, bandwidth limits, antenna sidelobe pattern requirements, and limits on the minimum size of earth stations for routine licensing. [FN11] The two degree spacing policy is designed to maximize the number of in-orbit geostationary satellite networks, while minimizing interference potential, and continues to be the cornerstone of our orbital assignment policy. [FN12]

8. In order for the Commission to create an orbital environment where geostationary satellites are approximately two degrees apart, technical requirements for satellite operations were developed. These technical requirements are embodied in Section 25.209 and Section 25.212 of the Commission's rules. [FN13] Specifically, Section 25.209 and 25.212 address earth station antenna gain, side lobe performance, minimum earth station antenna diameter, the maximum transmitted satellite carrier EIRP density and maximum transmitter power density into the earth station antenna. If a satellite system meets the two degree spacing policy requirements set out in these sections, then the system can be routinely licensed and will receive protection from unacceptable interference from adjacent satellite networks. [FN14]

9. Alternatively, if a satellite system does not meet the standards for routine licensing identified in our rules, applicants desiring interference protection must submit (1) evidence of concurrence or (2) agreements with operators of affected satellite networks that the technical characteristics of the non-conforming earth stations will not cause harmful or unacceptable interference to other earth or space stations, and will be protected to the appropriate interference level. The concurrence or coordination agreement(s) must address the non-conforming technical earth station characteristics so that the Commission can make a finding regarding the potential for unacceptable levels of interference under the Commission's two degree spacing policy. [FN15] After review of the evidence of these agreement(s), we can determine whether the system can be protected from, and will not cause, unacceptable interference to U.S. geostationary satellite networks.

Televisa Application

10. After review of Televisa's application and letter amendments, we conclude that none of the earth station antenna designs submitted are eligible for routine earth station licensing. Specifically, all of the earth station antennas listed in Televisa's application are smaller than 1.2 meters in diameter, as required in Section 25.212(c) of our rules. [FN16] Additionally, the antenna gain patterns provided by Televisa show that the earth station antennas are too small to provide sufficient discrimination between signals from

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adjacent satellite networks in a two degree spacing environment for co-frequency operation on a non-interference basis, as required by Section 25.209. Further, our calculations show that the maximum transmitted satellite carrier EIRP density for the wideband digital service proposed in the application is +10.9 dBw/4kHz. This level exceeds the maximum transmitted satellite carrier EIRP density limit of +6.0 dBw/4kHz established in Section 25.212(c). As a result, we find that Televisa's proposal does not comply with the technical requirements of the Commission's two degree spacing policy.

11. Additionally, Televisa has not submitted evidence of new or revised coordination agreements for the Solidaridad II satellite operating at 113 <<degrees>>>> W.L. Currently, there is a Canadian Anik satellite operating 1.9 <<degrees>>>> east of Solidaridad II at 111.1 <<degrees>> W.L. Further, under the 1988 Trilateral Arrangement between the United States, Mexico and Canada regarding the use of the geostationary satellite orbit for fixed- satellite services, a Canadian satellite could be placed 1.9 <<degrees>> to the west of Solidaridad II at 114.9 <<degrees>> W.L. [FN17] The presence of the Canadian satellites 1.9 <<degrees>> away may create unacceptable interference into Televisa's earth stations located in the United States. We are unable to evaluate the potential for interference without detailed information regarding applicable coordination agreements between Solidaridad and the Canadian satellites. Because of the potential for interference from the Canadian satellite networks and the possible degradation of service to earth stations in the United States, we will require that a notice be placed with Televisa's customer earth station instruction booklets. This notice should advise customers that there is the potential for degraded service resulting from interference from other geostationary satellite networks and that the Federal Communications Commission is unable to protect Televisa's service from that interference.

12. In sum, no technical showing is made and no evidence of agreements with other affected satellite networks are provided regarding receive-only earth station's non-conforming technical and operational characteristics, the earth station can not receive protection from unacceptable satellite interference and will not be permitted to interfere with nearby U.S. satellites or any other appropriately coordinated satellite network. Here, Televisa's earth station antennas are smaller than 1.2 meters in diameter, and exceed the power limits specified in Section 25.212(c) moreover, Televisa has not provided specific evidence of new or revised coordination agreements with respect to other affected satellite network operations for Solidaridad II. Thus, pursuant to the Commission's rules, Televisa's earth stations operating in the United States can not receive protection from nearby geostationary satellite network interference, will have to accept interference from nearby geostationary satellite networks operating in accordance with their respective authorizations, and will not be permitted to cause unacceptable interference to nearby satellite networks. [FN18] It is under these conditions that we approve Televisa's application pursuant to the U.S-Mexico DTH Protocol.

ORDERING CLAUSES

13. Accordingly, pursuant to authority delegated by Section 0.261 of the

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Commission's rules, 47 C.F.R. § 0.261, and pursuant to the U.S.-Mexico DTH Protocol, IT IS ORDERED that Application File No. 330-DSE-L-97 IS GRANTED subject to the conditions in paragraph 14 below.

14. IT IS FURTHER ORDERED that Televisa International, LLC. IS AUTHORIZED to construct and operate 500,000 receive-only earth stations .92-.98 meters in diameter; 250,000 receive-only earth stations .76-.82 meters in diameter; and 250,000 receive-only earth stations .63-.68 meters in diameter for the provision of Direct-To-Home Fixed Satellite Service video to the United States in accordance with the technical parameters and formal conditions specified in the instrument of authorization and subject to the following conditions:

(1) the operation of the receive earth station antennas specified in Televisa International, LLC.'s application will not be protected from interference from other geostationary satellite networks,

(2) Existing U.S. satellite operations west of 121 <<degrees>> W.L. will continue to operate as authorized by the Federal Communications Commission, Televisa International, LLC., operating on Solidaridad II, will accept any interference which may be caused as a result of authorized transmissions from U.S. satellites which occur under authorized or coordinated parameters,

(3) Televisa may use earth station antennas for receive-only purposes as specified in its application, File No. 330-DSE-L-97, (.98-.92; .82-.76; .68-.63 meter) but will not receive interference protection from other geostationary satellite networks,

(4) Televisa will maintain a legal presence in the United States for the purpose of service of due process and for customer contact and notify the Federal Communications Commission of any change of address or telephone number,

(5) Televisa will instruct its earth station manufacturer(s) to place prominently, a notification, accompanying the customer's instruction manual, stating that Televisa's service may be degraded as resulting of interference and that the Federal Communications Commission is unable to protect Televisa's service from that interference and that the customer should contact Televisa regarding any interference problems. This notice should be written in both the Spanish and English language.

15. IT IS FURTHER ORDERED that this order is effective upon release.

Peter Cowhey
Chief

International Bureau

FN1. Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Transmission and Reception from Satellites for the Provision of Satellite Services to Users in the United States of America and the United Mexican States, April 28, 1996, Article I.

FN2. Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provision of Direct-to-Home Satellite Services in the United States of America and the United Mexican States, November 8, 1996.

FN3. Application by Grupo Televisa S.A., For Blanket for Receive-Only Earth Stations in the Fixed Satellite Service for Direct-To-Home Subscription